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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,574	09/26/2001	Karen Jeanne Pelletier	8285/455	5697

7590

10/20/2005

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EXAMINER

SMITH, CREIGHTON H

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,574

Applicant(s)

PELLETIER ET AL.

Examiner

Creighton H. Smith

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on brief filed on 20 june '05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-47 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19, 22-24, 27-29 and 32-47 is/are rejected.
- 7) ☒ Claim(s) 20, 21, 25, 26, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>30 DEC '03</u> | 6) <input type="checkbox"/> Other: _____ |

In view of the appeal brief filed on 20 June 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, applicant must exercise one of the following two options:

(1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19, 22- 24, 27-29, 32- 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKendry et al '356.

McKendry et al show in Fig. 1 a call manager (PCAM-100) in a phone network (on user's premises-190). McKendry's call manager (100) functions the same as

applicant's server in that it delivers a menu to a caller. In col. 9, lines 26-35, McKendry discloses that their PCAM (100) provides a menu to the caller, and then presents the caller with a plurality of routing options – col. 13, lines 35-37, and permits the caller to route the call, i.e., selectively call forward the call to other extensions or services. The other extensions to which the original extension may be routed include phones – 132, 135, 151, 193; answering machine –131; fax-133; PC-149, all of which are located on the user's premises. The originating phone call can also be routed to a remote phone-160; cellular phone –180; or pager-170. Therefore, McKendry's menu provides a first destination option to reach a 1st family member at the user premises – 190. McKendry et al never disclose whether their 2nd and 3rd destination options are to family members, but McKendry et al do make clear that the users at phones 160, 170, 180 are at 1st and 2nd locations other than the user's residence –190. It is deemed an obvious matter of design to specify that the 2nd and 3rd destination options are to be family members, because there are unlimited options available to a user of this programmable PCAM device to who they wish to route their phone call to. This is merely a matter of choice who one wishes their call to be routed to.

McKendry et al initiate a second phone call where they disclose in col. 9, lines 20-25, that if a remote extension is specified (the remote extensions being 160, 170, 180), the PCAM will dial the extension. The PCAM dials the remote extension using a 2nd POTS trunkline. With McKendry et al disclosure that the PCAM dials the extension, this meets applicant's claim limitations of "initiating a 2nd phone call." McKendry et al never specifically disclose that the 1st and 2nd phone call are connected, but inherently this

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has to happen. Regarding applicant's recital of limitations in the claim of second, third, and fourth destination options, McKendry et al disclose in col. 18, lines 19-27, that the caller can be presented with a menu of options that allows a caller to route a call. The caller is presented with routing options such as calling any one of remote phones – 160, 180, 170, or voice mail 51. In applicant's spec., pages 8 & 9, lines 25-30 & 1-7, they even identify the other family locations as a family home, non-residence locations such as work and automobile. Pagers, mobile, wireless, cellular, satellite, or PCS could also be used. Additionally, the caller is given the ability to return to the menu if the call routing choice does not reach the owner of the PCAM 100. The caller, knowing only the primary telephone number, can control and route the call to any location provided by PCAM 100 and can make multiple routing choices before going to voice mail. This "multiple routing choices" meets applicant's limitations of second selection of one of the destination in the first phone call, as claimed in claim 32.

Regarding claim 19, McKendry et al show that a one of the remote destination options is for mobile phone 180. To have specifically made the mobile phone the second destination option is deemed an obvious matter of design choice.

Regarding claim 35 and applicant's recital of a broadcast option, McKendry et al disclose in col. 30, lines 1-20, that their PCAM presents the caller with an oral menu of choices for routing the call. Up to 10 menu choices can be configured for the user/caller to choose from. In col. 12, lines 22-35, McKendry et al disclose that the PCAM will "simultaneously ring" telephones 131 135 on the user's premises 190, cellular phone 180 and remote phone 160. The user, therefore, can take the incoming call at any of

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the phone instruments that are either on the user's premises, or remote phones.

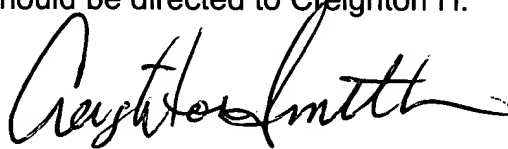
Applicant's recital of "broadcast option" is the same as McKendry et al recital of simultaneously ringing.

Claims 20, 21, 25, 26, 30, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Neither McKendry et al nor any of the rest of the prior art teach a user sending an input to the server after the 1st and 2nd phone calls being connected, then disconnecting those two phone calls after receiving a user input, then receiving a 2nd selection from a user of another destination option, and then initiating a 3rd telephone call that corresponds to the 2nd selection.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

04 OCT '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith", with a stylized, flowing script.

Creighton H Smith
Primary Examiner
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